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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/905,423	07/13/2001	Patrick H. Hayes	81230.62US2	4720

34018 7590 12/28/2005
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EXAMINER

SHAPIRO, LEONID

ART UNIT PAPER NUMBER

2677

DATE MAILED: 12/28/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/905,423

Applicant(s)

HAYES ET AL.

Examiner

Leonid Shapiro

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 21 October 2005.
- 2a) ☐ This action is FINAL. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 7-10 and 13-27 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 7-10 and 13-27 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____

In view of the Brief on Appeal filed on 11.07.05, PROSECUTION IS HEREBY REOPENED. The new rejection is set forth below.

To avoid abandonment of the application, appellant must exercise one of the following two options:

- (1) file a reply under 37 CFR 1.111 (if this Office action is non-final) or a reply under 37 CFR 1.113 (if this Office action is final); or,
- (2) request reinstatement of the appeal.

If reinstatement of the appeal is requested, such request must be accompanied by a supplemental appeal brief, but no new amendments, affidavits (37 CFR 1.130, 1.131 or 1.132) or other evidence are permitted. See 37 CFR 1.193(b)(2).

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

1. Claims 7-8, 13-14, 17, 23 are rejected under 35 U.S.C. 102(e) as being anticipated by Daum et al. (Pub. No.: US 2003/0046377 A1).

As to claim 7, Daum et al. teaches a method of displaying information to a consumer relevant to the operation of a consumer appliance (See paragraph 0023), comprising:

entering into a hand-held device data that functions to identify the consumer appliance (See Fig. 4, items User Interface, 402, 404, paragraph 0062);

uploading the data that functions to identify the consumer appliance from the hand-held device to a Web server (Local Area Network) (See Fig. 5, item 520, paragraph 0054);

using the data that functions to identify the consumer appliance at the Web server (Local Area Network) to retrieve an electronic document comprising human-readable information in a form for instructing a consumer how to interact with one or more controls of the consumer appliance for the purpose of operating the consumer appliance (See Fig. 5, item 540); and

transmitting the electronic document from the Web server to a the hand-held device whereby a representation of the electronic document is displayable on the hand-held device (See Fig. 5, item 540, paragraph 0054, page 5, left column, Lines 10-16).

As to claims 8, 14 Daum et al. teaches a browser application for retrieving and displaying the representation of the electronic document (See Fig. 5, Items 530-540, paragraph 0054).

As to claim 13, Daum et al. teaches in a hand-held device having a display, a readable media having instructions for displaying information relevant to the operation

of a consumer appliance (See Fig. 2, items 210-250, paragraph 0023), the instructions performing steps comprising:

- storing data that functions to identify computer appliance (See Dishwasher START, paragraph 0062)

- causing the data that functions to identify the consumer appliance to be uploaded to a WEB server (Local Area Network) which uses that data that functions to identify the consumer appliance (See Fig. 5, item 520, paragraph 0054) to retrieve an electronic document comprising human-readable information in a form for instructing a consumer how to interact with one or more controls of the consumer appliance for the purpose of operating the consumer appliance (See Fig. 5, item 530); and

- receiving the electronic document from the Web server (Local Area Network); and

- displaying a representation of the electronic document in the display (See Fig. 5, item 540, paragraph 0054, page 5, left column, Lines 10-16).

As to claim 17, Daum et al. teaches a system comprising (paragraph 0023);

- a hand-held device having a display and a memory (See Fig. 2, items 210, 220) in which is stored data that functions to identify a make of consumer appliance (See Dishwasher START, paragraph 0062); and

- a WEB site (Local Area Network) in which is an electronic document comprising human-readable information in a form for instructing a consumer how to interact with one or more controls of the consumer appliance for the purpose of operating the consumer appliance (See Fig. 5, item 530); and

wherein the hand-held device is adapted to cause the data that functions to identify the consumer appliance to be uploaded to a WEB server (Local Area Network) which uses that data that functions to identify the consumer appliance (See Fig. 5, item 520, paragraph 0054) to retrieve an electronic document (See Fig. 5, item 540); and download the electronic document to the hand-held device whereby a representation for the electronic document may displayed in the display (See Fig. 5, item 540, paragraph 0054, page 5, left column, Lines 10-16).

As to claim 23, Daum et al. teaches a hand-held device (paragraph 0023) comprising;

a hand-held device having a display and a memory (See Fig. 2, items 210, 220) in which is stored data that functions to identify a make of consumer appliance (See Dishwasher START, paragraph 0062); and

a browser application (Local Area Network) comprising instructions for reading from memory the data that functions to identify the make of the consumer appliance (See Fig. 4, item Dishwasher START) , for uploading the data that functions to identify the consumer appliance to the networking device (See Fig. 5, item 520, paragraph 0054) via a network connection to retrieve an electronic document (See Fig. 5, item 540) comprising human-readable information in a form for instructing a consumer how to interact with one or more controls of the consumer appliance for the purpose of operating the consumer appliance (See Fig. 5, item 530) and for displaying a representation of the retrieved document in the display (See Fig. 5, item 540, paragraph 0054, page 5, left column, Lines 10-16).

2. Claims 10, 16, 25, 27 are rejected under 35 U.S.C. 103(a) as being unpatentable over Daum et al. as applied to claims 7, 13, 23 above, and further in view of Allport (US Patent No. 6,104,334).

Daum et al. does not disclose a remote control having a memory in which are stored a library of command codes for commanding the operation of a plurality of different consumer appliances and a set-up program by which the data that function to identify of the consumer appliance is used to select command codes from the library of command codes that are appropriate to command the operation of the consumer appliance.

Allport teaches a remote control having a memory in which are stored a library of command codes for commanding the operation of a plurality of different consumer appliances and a set-up program by which the data that function to identify of the consumer appliance is used to select command codes from the library of command codes that are appropriate to command the operation of the consumer appliance (See Fig. 15, items 10, 65, 420, in description See Col. 22, Lines 25-65 and Col. 8, Lines 60-63).

It would have been obvious to one of ordinary skill in the art at the time of the invention to incorporate teachings of Allport into Daum et al. system in order to receive internet data (See Col. 5, Lines 54-59 in Allport reference).

As to claim 25, Allport teaches the network comprises the Internet (See Col. 5, Lines 54-59).

3. Claims 9, 15, 26 are rejected under 35 U.S.C. 103(a) as being unpatentable over Daum et al. as aforementioned in claims 7, 13, 23 in view of Ketcham (US Patent No. 6,195,589 B1).

Daum et al. does not show a bar code reader as part of the hand-held device for use in entering the data that function to identify the consumer appliance.

Ketcham teaches a bar code reader as part of the hand-held device for use in entering the information representative of the consumer appliance (See Fig. 3, item 54, in description See Col. From Col. 3. Line 60 to Col. 5, Line 3).

It would have been obvious to one of ordinary skill in the art at the time of the invention to use a bar code reader in Daum et al. method in view of teaching of Ketcham because appliances could be remotely controlled.

4. Claim 18 rejected under 35 U.S.C. 103(a) as being unpatentable over Daum et al. as aforementioned in claim 17 in view of Kolawa et al. (US Patent No. 6,236,974 B1).

Daum et al. does not show the appliance, as a kitchen appliance and the human-readable information comprise a recipe.

Kolawa et al. teaches the appliance as a kitchen appliance and the instruction relevant to the operation of the consumer appliance comprise a recipe (See Fig. 1, items 10,16, in description See from Col. 2, Line 66 to Col. 3, Line 15).

It would have been obvious to one of ordinary skill in the art at the time of the invention to use a kitchen appliance and the human-readable information comprise a

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recipe Kolawa et al. in Daum et al. apparatus in view of Kolawa et al. teaching because appliances could be remotely controlled.

5. Claims 19-22, 24 rejected under 35 U.S.C. 103(a) as being unpatentable over Daum as aforementioned in claims 17 and 23 in view of Amro et al.

Daum et al. does not show the human-readable information comprises multiple linked pages and browser which adapted user manual.

Amro et al. teach hand-held device (a remote control) comprises PDA (See Fig. 5, item 110, in description See Col. 5, Lines 21-24).

It would have been obvious to one of ordinary skill in the art at the time of the invention that PDA will be able to use the human-readable information with multiple linked pages and browser which adapted user manual in the Daum et al. apparatus because appliances could be remotely controlled.

Response to Amendment

6. Applicant's arguments filed on 10.21.05 with respect to claims 7-10, 13-27 have been fully considered and are persuasive but are moot in view of the new ground(s) of rejection.

Telephone Inquire

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Leonid Shapiro whose telephone number is 571-272-7683. The examiner can normally be reached on 8 a.m. to 5 p.m..

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Amr Awad can be reached on 571-272-7764. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

LS
12.16.05

AMR A. AWAD
PRIMARY EXAMINER

A handwritten signature in black ink, appearing to read 'Amr A. Awad', with a long, sweeping horizontal line extending to the right.